



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
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April 21, 2025

VIA ECF

The Honorable Sidney H. Stein
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: CBS Broadcasting Inc. v. U.S. Department of Justice, et al., 23-cv-7003 (SHS)

Dear Judge Stein:

This Office represents defendants the U.S. Department of Justice (“DOJ”), Federal Bureau of Prisons (“BOP”), and Federal Bureau of Investigation (“FBI”) (together, “Defendants”) in the above-referenced action brought by CBS Broadcasting Inc. (“CBS News” or “Plaintiff”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The parties respectfully submit this joint letter pursuant to the Court’s July 26, 2024, Order (Dkt. No. 38), which requires the parties to provide updates every 90 days regarding Defendants’ processing of CBS News’ FOIA requests.

Requests to DOJ

CBS News submitted Requests #1 and #2 to DOJ on June 7, 2023, and June 15, 2023, respectively.¹ See Dkt. No. 7 ¶¶ 86, 90. DOJ has made its final productions in response to these requests. In response to Request #1, the Office of Information Policy (“OIP”), a component of the DOJ, issued a final response on June 3, 2024, releasing 25 pages in part. In response to Request #2, the Executive Office for United States Attorneys (“EOUSA”), another DOJ component, made a first, interim production on January 8, 2024, releasing 3 pages in full, 19 in part, and withholding in full 220 pages. EOUSA made a second interim production on February 9, 2024, releasing 93 pages in full, 38 pages in part, and withholding 103 pages in full. After receiving responses to consultations with other agencies, EOUSA made a final production of 65 pages on January 17, 2025, releasing 32 pages in full and 33 in part.

Requests to BOP

Requests #5, #6, and #7 were submitted to BOP, a component of DOJ, on June 9, 7, and 22, 2023, respectively. As detailed below, all responses to these Requests are now complete.

Request #5 sought BOP’s file on Robert M. Hanssen. In response to this Request, BOP made its final determination on December 26, 2023, releasing 535 pages in full, 2,382 pages in part, withholding 54 pages in full, and determining that 41 pages are not agency records and that four pages are either duplicates or non-responsive. It also referred 464 pages to other DOJ

¹ CBS News has withdrawn its requests for classified materials responsive to Requests #1 and #2.

components, but CBS News has since agreed to consider this Request satisfied without further processing.

Request #6 sought various media recordings of Mr. Hanssen, in response to which BOP identified 1,142 audio recordings. Due to the large volume of responsive material and the associated processing time by BOP staff, the parties agreed to initially process a narrower sample set of recordings. The parties further agreed that the portions of these audio recordings attributable to speakers other than Mr. Hanssen would be redacted. Pursuant to this agreement, BOP produced six recordings on November 30, 2023, which included a total of 136 minutes of redacted audio; five recordings on January 3, 2024, which included a total of at least 120 minutes of redacted audio; three recordings on January 31, 2024, which included a total of 95 minutes of redacted audio; two calls on March 4, 2024, each including a total of approximately 16 minutes of redacted audio, as well as four calls which had been previously produced, lasting approximately 15 minutes each; five calls on April 22, 2024, which included a total of approximately 300 minutes of redacted audio; two calls on May 31, 2024, which included a total of 120 minutes of redacted audio; and 11 calls on July 5, 2024, which included a total of approximately 344 minutes of redacted audio. CBS News is satisfied with the BOP's response to Request #6 and now considers this Request satisfied.

CBS News withdrew Request #7 on November 6, 2023.

Requests to FBI

Requests #3 and #4 were submitted to the FBI, a component of DOJ, on June 6, 2023. See Dkt. No. 7 ¶¶ 92, 97. CBS News withdrew Request #4 on October 24, 2023. Request #3 seeks all audio and/or video recordings relating to Mr. Hanssen. Following a court conference on February 13, 2024, before Magistrate Judge Gorenstein, the parties conferred and agreed that the FBI would release a previously processed video of Mr. Hanssen's arrest by February 29, 2024, and thereafter process audio-visual material at a rate of either 15 minutes of video or 30 minutes of audio per month, with a first rolling production by April 1, 2024. At CBS News' request, the FBI also agreed to prioritize the processing of any recordings related to Mr. Hanssen's arrest, including radio traffic, agents on scene or in a command post, and Mr. Hanssen's apprehension and the immediate aftermath, as such audio-visual materials are received.

Pursuant to this agreement, the FBI produced the aforementioned arrest video on February 29 and issued monthly rolling responses on April 1, 2024; May 1, 2024; June 1, 2024; July 1, 2024; August 1, 2024; August 30, 2024; October 1, 2024; November 1, 2024; November 29, 2024; December 31, 2024; January 31, 2025; February 28, 2025; and April 1, 2025. Each of these monthly responses identified 30 minutes of responsive audio, all of which was withheld in its entirety pursuant to Exemptions (b)(1), (b)(3), (b)(6), and (b)(7)(C)-(F). The FBI will issue its next interim response by May 1, 2025.

We thank the Court for its consideration of these matters.

Respectfully,

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